

DJIBOUTI

a. SUMMARY OF CLAIMS

TYPE	DATE	SOURCE	LIMITS	NOTES
I. TERRITORIAL SEA	Jan 79	Law 52/AN/78	12nm	Nuclear-powered vessels and vessels carrying nuclear or other radioactive material must give prior notification. Law does not modify "international rules of navigation" in strait of Bab al Mandab.
	May 85	Law 59	12nm	This requirement is not recognized by the U.S. U.S. protested requirement in 1989.
II. ARCHIPELAGIC, STRAIGHT BASELINES, & HISTORIC CLAIMS	Jan 79	Law 52/AN/78		Established closing lines for the Gulf of Tadjoura.
	May 85	Decree No. 85-048		Established straight baselines. The straight baseline claims around Seba Islands are excessive and are not recognized by the U.S. U.S. protested claims in 1989 and conducted operational assertion in 1992-94.
III. CONTIGUOUS ZONE	Jan 79	Law 52/AN/78	24nm	
	May 85	Law 59	24nm	
V. FISHING ZONE/EEZ	Jan 79	Law 52/AN/78	200nm	EEZ
	May 85	Law 59	200nm	EEZ
VI. ENVIRONMENTAL REGULATION	Jan 79	Law 52/AN/78		Claimed exclusive jurisdiction to prevent and control pollution within EEZ.
VIII. LOS CONVENTION	Dec 82			Signed.
	Oct 91			Ratified.

b. DOMESTIC LEGISLATION AND REGULATIONS

1. STRAIGHT BASELINES

A. LEGISLATION. Following are extracts from Decree No. 85-048 of the Council of Ministers of 5 May 1985:

The straight baselines which are used as a basis for the determination of the width of territorial waters are drawn as follows on the Maritime [Charts] of the French hydrographic and oceanographic service

The Seba Islands (Map No. 6329, published in 1961, tangent originating at point D);

- D. M - 43 degrees 15.22 mins. East
- L - 12 degrees 32.10 mins. North

To the low tide water mark on the islands of Siyyan Himar and Kadda Dabali respectively;

E. M - 43 degrees 17.90 mins. East
L - 12 degrees 31.20 mins. North

F. M - 43 degrees 25.80 mins. East
L - 12 degrees 28.50 mins. North

Tangent originating at point F above, to the low tide water mark on the island of Rhounda Komaytou at point:

G. M - 43 degrees 27.22 mins. East
L - 12 degrees 25.68 mins. North

From point G above, to the low tide water mark Khor Angar at point:

H. M - 43 degrees 21.88 mins. East
L - 12 degrees 22.62 mins. North

The Tadjourah Gulf (Ref: Law No. 52/AN/78):

From point A at the mouth of Oued Dalley:

A. M - 43 degrees 05.10 mins. East
L - 11 degrees 50.30 mins. North

To point B at the lighthouse on the island of Musha:

B. M - 43 degrees 12.75 mins. East
L - 11 degrees 43.80 mins. North

From point B (above) to point C, low water mark at the mouth of Oued Atar:

C. M - 43 degrees 15.50 mins. East
L - 11 degrees 30.20 mins. North

Article II

Outside of the above prescribed segments, measured from their intersection with the low tide water mark, the baseline from which the width of territorial waters is measured is the low tide water mark along the coast and around islands, sand bars and mud banks within those territorial waters.

B. ANALYSIS The following analysis of Djibouti's straight baseline system is extracted from Limits in the Seas, No. 113, "Straight Baseline Claims: Djibouti and Oman," 22 April 1992.

From the straight baselines and the Gulf of Tadjoura closing lines Djibouti measures its 12 nm territorial sea. Along the remaining coastline the territorial sea is measured from the normal baseline (the low-water line).

The Gulf of Tadjoura is closed by two lines, A-B (9.9 nm) and B-C (13.9 nm), which extend from two points on the mainland to Isles Moucho. A closing line that would better delimit the waters of the Gulf as a juridical bay would be from point A to a point on the coast near the city of Djibouti. As claimed, the closing lines incorporate, in part, waters associated with the Gulf of Aden rather than the Gulf of Tadjoura.

The straight baselines connect the mainland to several of the Seba Islands which are situated off Djibouti's northeast coast at the southern entrance to Bab el Mandeb and the Red Sea. The seaward-most island, named Kadd Dabali in the Decree on which basepoint F is located, is about 7 miles from the mainland and about 10 miles from Yemen's Perim Island situated across the entrance to Bab el Mandeb.

Djibouti's mainland coast, in the vicinity of the Seba Islands, is smooth with some attached fringing coral reefs and, from the land boundary with [Eritrea], runs in a generally southeast direction. The approximately six small islands that compromise the Seba group run virtually perpendicular to the mainland coastline. As such, the islands do not fringe the coast, one of the prerequisites under Article 7 of the LOS Convention, for a state to claim straight baselines.

DJIBOUTI'S STRAIGHT BASELINES

(Distances between respective basepoints)

<u>Segment</u>	<u>Length (nm)</u>
D-E	2.8
E-F	8.2
F-G	3.1
G-H	6.0

The straight baselines do not have any impact upon the drawing of Djibouti's territorial sea. Due to the close proximity of Yemen across the entrance to Bab el Mandeb, Djibouti's territorial sea in this direction will be less than 12 miles as a territorial sea boundary is required. To the south of the islands, Djibouti's mainland coast affects the 12-mile limit instead of baseline segment G-H. The straight baseline system does incorporate approximately 32 square (sq.) nautical miles (110 sq. kilometers) of water area as internal waters that, absent the straight baselines, would be territorial sea.